

DANIEL G. BOGDEN
 United States Attorney
 Nevada State Bar No. 2137
 MICHAEL A. HUMPHREYS
 Assistant United States Attorney
 Lloyd D. George United States Courthouse
 333 Las Vegas Boulevard South, Suite 5000
 Las Vegas, Nevada 89101
 Telephone: (702) 388-6336
 Facsimile: (702) 388-6787
 Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 NORMAN MARTIN,)
)
 Defendant.)
 _____)

2:08-cr-00060-GMN -VCF

~~2:08 CR 060 KJD (LRL)~~

**UNITED STATES' UNOPPOSED MOTION TO
 CONTINUE THE DATE TO RESPOND TO KIMBERLY
 D. JOHNSON'S MOTION FOR RETURN OF PROPERTY**

The United States of America ("United States"), by and through Daniel G. Bogden, United States Attorney for the District of Nevada and Michael A. Humphreys, Assistant United States Attorney, respectfully moves this Court to grant an extension of time, until and including May 9, 2012, for the United States to file its response to Kimberly D. Johnson's Motion To Return Property.

The Government's Opposition is currently due on April 9, 2012. Kimberly D. Johnson proceeding *pro se*, consents to this motion. In this case, the defendant, Norman D. Martin, was indicted on March 12, 2008, for, amongst other things, being a felon in possession of a firearm. On September 13, 2011, defendant Martin pled guilty to a federal felony firearms violation. As a condition of that plea agreement, the defendant consented to the criminal forfeiture of the firearm, to wit: a Remington model 788, .243 caliber rifle, bearing serial number B6159633, seized from him coincident to his arrest. The United States learned through its own investigation that Kimberly

1 Johnson was the true owner of that Remington rifle. The United States Attorney for the District of
2 Nevada formally notified Ms. Johnson about the gun and consistent with that notification, Ms.
3 Johnson filed her Motion for Return of Property on or about March 22, 2012.

4 Pursuant to that filing, this Court ordered the United States to file its opposition to Ms.
5 Johnson's motion by April 9, 2012. The parties are in the final stages of negotiating a settlement of
6 this matter, and once executed and presented to this Court for ratification, the litigation will be
7 complete, vitiating the need for the Government to file a response to Ms. Johnson's motion. This
8 matter should be settled by May 9, 2012.

9 As noted above, Government counsel discussed the matter of a government continuance with
10 Mr. Johnson on April 6, 2012, and Mr. Johnson (acting on his wife's behalf) gave Government
11 counsel authorization to represent to this Court that she, (Ms. Johnson) consents to this motion.

12 This motion is not submitted solely for the purpose to delay or for any other improper
13 purpose.

1 WHEREFORE, the United States moves this Court to grant its motion to extend the time for
2 the United States to file its Response To Kimberly Johnson's Motion For Return of Property for an
3 additional 30 days, or until May 9, 2012.

4 DATED this 6th day of April, 2012.

5 Respectfully submitted,

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/Michael A. Humphreys
9 MICHAEL A. HUMPHREYS

10
11
12 IT IS SO ORDERED:

13
14
15
16 
17 UNITED STATES [REDACTED] JUDGE

18
19 DATED: April 6, 2012
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individuals were served with a copy of the foregoing on April 6, 2012, by the below identified method of service:

CM/ECF:

William C. Carrico
Federal Public Defender
411 E Bonneville Suite 250
Las Vegas, NV 89101
Email: Bernadette_Almeida@fd.org
Counsel for Defendant Norman Martin

David S. Anthony
Federal Public Defender
411 E Bonneville Suite 250
Las Vegas, NV 89101
Email: ECF_Vegas@fd.org
Counsel for Defendant Norman Martin

Raquel Lazo
Federal Public Defender
411 E. Bonneville Ave.
Las Vegas, NV 89191
Email: ECF_Vegas@fd.org
Counsel for Defendant Norman Martin

Regular Mail:

Kimberly D. Johnson
10164 Cascade Falls Dr.
Reno, NV 89521

/s/ Elizabeth Baechler-Warren
Elizabeth Baechler-Warren
Forfeiture Support Associate Paralegal